

**RESOLUTION NO. 54-2005**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF STORM  
WATER RUNOFF.**

**WHEREAS**, the City of Milwaukie is authorized by state statute as follows:

To appropriate any private real property to any public or municipal use or for the general benefit and use of the people of the city, ORS 223.005;

To direct proceedings to be taken under the general laws of this state to procure private property for rights of way for drains, sewers or aqueducts, or for widening, straightening or diverting channels of streams, ORS 223.105; and

**WHEREAS**, for the public purposes of channeling the storm water runoff for the health, safety, benefit, and general welfare of the public, the City Council has deemed necessary the acquisition of certain property at 2808 SE Balfour.

**NOW, THEREFORE, BE IT RESOLVED that:**

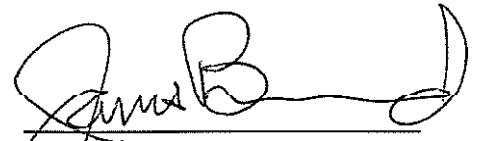
Section 1: The City of Milwaukie City Council does hereby find and declare that there is needed and required to channel the storm water runoff over portions of 2808 SE Balfour, Milwaukie, Oregon 97222 the boundaries of said acquisitions as shown in "Exhibit A" hereto and incorporated herein by this reference.

Section 2: The Property is required and is being taken as necessary in the public interest and the improvements to the Property will be planned, designed, located, and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury.


Section 3: The City Administrator and their designees are authorized to attempt to agree with the owners and other persons in interest in the Property as to the compensation to be paid for its appropriation, and, in the event that no satisfactory agreement can be reached, proceedings as may be necessary to possess and acquire the Property are authorized to the extent provided by law.

Section 4: This resolution takes effect immediately upon adoption.

Introduced and adopted by the City Council of the City of Milwaukie on  
12/06/2005

  
James Bernard, Mayor

ATTEST:

  
Pat DuVal, City Recorder

APPROVED AS TO FORM:  
Ramis, Crew & Corrigan, LLP

  
City Attorney

**Exhibit "A"**  
**City of Milwaukie Storm Drainage Easement**  
**1-1E-25CA-07800**  
**SE Balfour Street**

A storm drainage easement in Lots 4 and 5, BONNIE VIEW ACRES, Plat No. 4, a duly recorded plat in Clackamas County, Oregon, in the Southwest quarter of Section 25, Township 1 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, located on property conveyed to John S. Burbach and Arlee E. Burbach, in Instrument No. 79-25162, Clackamas County Deed Records, being more particularly described as follows:

Beginning at the Southeast corner of said Lot 5, said point being on the Westerly right-of-way of SE 29<sup>th</sup> Avenue; thence South 87° 33' West along the Southerly boundary of said Lot 5, 255.00 feet to the True Point of Beginning of said drainage easement; thence North 23° 27' West, 122.00 feet; thence North 0° 00' East, 60.00 feet; thence North 9° 36' East, 135.01 feet, more or less, to the Northwest corner of said Lot 4, said point also being on the Southerly right-of-way line of SE Balfour Street; thence South 11° 40' West along the Westerly boundary of said Lot 4, 28.46 feet; thence South 28° 10' West continuing along the Westerly boundary of said Lot 4, 160.53 feet; thence South 9° 25' East continuing along the Westerly line of said Lot 4 and Lot 5, 141.16 feet to the Southwest corner of said Lot 5; thence North 87° 33' East, 84.53 feet to the True Point of beginning.